



29 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent Department
Bayer CropScience LP
100 Bayer Road
Pittsburgh, PA 15205-9741

| | | |
|--|---|-------------------|
| In re Application of | : | |
| FISCHER, Reiner, et al. | : | |
| Application No.: 10/525,920 | : | DECISION ON |
| PCT No.: PCT/EP03/09103 | : | |
| Int. Filing Date: 18 August 2003 | : | REQUEST |
| Priority Date: 28 August 2002 | : | |
| Attorney's Docket No.: CS8455/LeA 36,006 | : | UNDER 37 CFR 1.42 |
| For: SUBSTITUTED SPIROCYCLIC | : | |
| KETOENOLS | : | |

This decision responds to applicants' 13 October 2006 submission to the United States Patent and Trademark Office.

BACKGROUND

On 21 August 2006, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request for status.

On 13 October 2006, applicants filed this renewed submission.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

Applicants state that they believe Angelika Lubos-Erdelen is the sole heir of Christoph Erdelen. The submission of a declaration executed by the heirs or sole heir is considered an indication that a legal representative has not been nor is one required to be appointed under applicable law. If this is not correct, the Office must be notified immediately and applicant must submit a declaration executed by the legal representative, stating the relationship.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 25 February 2005 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459